

1 Greg L. Lippetz (State Bar No. 154228)
2 glippetz@jonesday.com
3 Cora L. Schmid (State Bar No. 237267)
4 cschmid@jonesday.com
5 JONES DAY
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: 650-739-3939
Facsimile: 650 739 3900

David N. Kuhn - State Bar No. 73389
Attorney-at-Law
144 Hagar Avenue
Piedmont, CA 94611
Telephone: (510)653-4983
E-mail: dnkuhn@pacbell.net

Attorney for plaintiff Gregory Bender

6 || Attorneys for Defendant Nokia Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Gregory Bender,
Plaintiff,
v.
Nokia Inc.,
Defendant

Case No. C09-01247 (MMC)

**STIPULATED REQUEST AND
[PROPOSED] ORDER REGARDING
RESCHEDULING OF INITIAL CASE
MANAGEMENT CONFERENCE**

Pursuant to Civil L.R. 6-1(b) and 6-2, the parties in the above-captioned action through their respective counsel hereby submit this stipulated request that the Court reschedule the initial Case Management Conference, currently scheduled for December 4, 2009 at 10:30 a.m., for December 11, 2009 at 10:30 a.m., or as soon thereafter as the Court's schedule may allow.

WHEREAS, pursuant to the October 2, 2009, docket entry in the above-titled action, the Initial Case Management Conference in this action is currently scheduled for December 4, 2009, at 10:30 a.m. in the San Francisco Division of the Northern District of California.

WHEREAS, hearings on two motions to dismiss are scheduled to be heard on the same day, December 4, 2009, at 9:00 a.m. in the San Jose Division of the Northern District of California in *Bender v. LG Electronics U.S.A., Inc. et al*, C.A. No. 09-02114-JF, a case in this district involving the same plaintiff alleging infringement of the same patent as in the current case against different defendants. The Plaintiff in both lawsuits is represented by the same counsel,

1 one of the moving parties in the *Bender v. LG* case is represented by counsel for the Defendant in
2 the present action, and the other moving party in the *Bender v. LG* case is represented by
3 unrelated counsel.

4 WHEREAS, the parties believe that in the interests of efficiency and of avoiding possible
5 conflict, the Initial Case Management Conference should be continued in favor of the hearing in
6 *Bender v. LG*, which involves the greater number of parties than the Case Management
7 Conference in the current action.

9 | THE PARTIES HEREBY SUBMIT THE STIPULATED REQUEST THAT:

10 The Initial Case Management Conference in this action be continued to December 11,
11 2009, at 10:30 a.m., or as soon thereafter as the Court's schedule may allow.

Respectfully submitted,

14 || Dated: November 24, 2009 Jones Day

Jones Day

16 By: /s/ Gregory Lippetz
17 Greg L. Lippetz
18 State Bar No. 154228
19 JONES DAY
20 Silicon Valley Office
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: 650-739-3939
Facsimile: 650-739-3900

Counsel for Defendant Nokia Inc.

In accordance with General Order No. 45, Section X(B), the above signatory attests that concurrence in the filing of this document has been obtained from the signatory below.

1 Dated: November 24, 2009

By: /s/ David Kuhn

2 David N. Kuhn
3 Attorney-at-Law
4 144 Hagar Avenue
5 Piedmont, California 94611
6 Telephone: (510) 653-4983

7
8 Counsel for Plaintiff Gregory Bender

9
10 **PURSUANT TO STIPULATION, IT IS SO ORDERED:** The Case Management Conference
11 is hereby CONTINUED to December 11, 2009. The parties shall submit a Joint Case Management
12 Statement no later than December 4, 2009.

13 DATED: November 25, 2009

14 By: Maxine M. Chesney
15 The Hon. Maxine M. Chesney
16 United States District Court Judge

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